



# ***Violent Offender Incarceration and Truth-in-Sentencing Incentive Grants***

***FY 2001  
Program Guidance  
and Application Kit***

**U.S. Department of Justice**  
**Office of Justice Programs**  
810 Seventh Street, N.W.  
Washington, D.C. 20531

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For grant and funding information, contact:  
**Department of Justice Response Center**  
(800) 421-6770

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**Office of Justice Programs**  
**World Wide Web Homepage:**  
*<http://www.ojp.usdoj.gov>*



**U.S. Department of Justice**

Office of Justice Programs

*Corrections Program Office*

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*Washington, D.C. 20531*

Dear Colleague:

I am pleased to provide you with the Program Guidance and Application Kit for the FY 2001 Violent Offender Incarceration/Truth-in-Sentencing Incentive (VOI/TIS) Formula Grant Program. This year, a total of \$435.9 million is available for grants under the VOI/TIS program.

**Please note that we are returning this year to making two awards and requiring two applications. The first application, for Tier 1 funding, will be due March 30, 2001.** This date reflects an extension from March 1, 2001, which was the due date indicated in the advance copy sent to the VOI/TIS administrative agencies. **The second application, for Tiers 2 and 3 and Truth-in-Sentencing funding, will be due July 1, 2001.**

In FY 2001, applications for funding will continue to be submitted and processed online through the Office of Justice Programs' (OJP's) **Grants Management System (GMS)**. The first year of GMS was a great success, and I would like to extend my thanks for your patience and persistence as we implemented this complex system. Please note that only applications received through GMS will be considered eligible for funding.

Eligibility requirements and application procedures remain unchanged this year except for **a new requirement related to inmate death reporting**. Please note the new section on the Death in Custody Reporting Act of 2000 on page 8 and the new special condition found in Appendix A. Guidelines for the implementation of this Act are included as an appendix to this kit.

We at the Corrections Program Office look forward to continuing to work with you to implement the VOI/TIS program.

Sincerely,

Larry R. Meachum  
Director

# Quick-Start Guide to Using the Online Grants Management System

To apply online for OJP funding, you must establish a **User ID** and **password** with the Grants Management System (GMS), and you must receive e-mail confirmation that you are eligible to apply for funding. You may use User IDs and passwords from previous applications.

To begin the process:

1. Visit the OJP web site and download the online GMS Applicant Procedures Handbook at

<http://www.ojp.usdoj.gov/fundopps.htm> .

The handbook has been updated since you last used GMS.

2. Select “Logon to the Grants Management System (GMS)”.
3. Click on: “New User? Register Here.”
4. Follow the onscreen instructions to register with the GMS system.

You will be asked to identify both a contact person (yourself) and an authorized representative for your agency. The latter should be the person with signature authority for the agency (i.e., the person who would sign an application or a grant award document).

5. After you complete the registration process, the information will be transmitted to the Corrections Program Office for verification. You will receive e-mail confirmation that you are eligible to apply for funding. Applications will not be accepted until this confirmation has been issued.
6. Please note that the names of the attachments to be included with your online submission have been updated. The revised names are: Budget Detail Worksheet (which includes your budget narrative), Program Narrative, and Other Program Attachments. Please call the GMS Help Desk if you have any questions about the attachments.

If you have any questions about GMS or need assistance, contact the **GMS Help Desk** at **(888) 549-9901**.

# **Application Checklist**

## **Tier 1 Funding**

### **Have You Included?**

*(Please complete this checklist as part of your online submission.)*

#### ***General Requirements***

- G** Application for Federal Assistance form, SF-424. Applicants will complete the SF-424 online and will certify compliance with, or acceptance of, required certifications and assurances: (1) General Assurances; (2) Certification Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and (3) Drug Free Workplace Requirements. The text of all certifications and assurances is included in Appendix A of this document. These assurances are accepted online through the GMS system. Appendix A also includes Special Conditions that will be added to the VOI/TIS award and include the requirements related to: (1) the Tier 1 Special Condition on state policies relative to violent offenders; (2) the state's commitment to fully support, maintain, and operate facilities constructed with grant funds; and (3) the new requirement that the applicant comply with the Death in Custody Act of 2000.
- G** A brief program narrative (5-10 pages). The program narrative should be prepared as a word processing file. It will be attached to the SF-424 and submitted online. The Grants Management System (GMS) will accept most word processing formats.

The narrative should include a description of:

- G** The planned use of the funds and, if known, the amount/percentage of anticipated VOI/TIS funds for FY 2001 that the state plans to allocate for offender drug testing and intervention programs. The description should include an explanation of how the expenditures will increase bed space for the confinement of violent offenders and how any funds used for offender drug testing and intervention programs are related to the implementation of the state's approved drug testing, intervention, and sanctions policies.
- G** How funds received in prior years are being used and the status of those projects.
- G** Activities related to implementation of the state's approved drug testing, sanctioning, and treatment policies and procedures.
- G** Any changes in the rights afforded victims of crime since the last application.
- G** How the program will be administered and the amount of funds to be used for this purpose.
- G** Information on related federal funding and activities.
- G** Name, address, and contact information for a Point of Contact who will assist with ensuring compliance with the Death in Custody Act of 2000.

**Deadline:** **March 30, 2001**

**Questions:** For questions regarding GMS, call the GMS hotline at (888) 549-9901.  
For questions regarding the program or application content, contact

OJP/CPO at (800) 848-6325.

# Application Checklist

## Tier 2, Tier 3, and Truth-in-Sentencing Funding

### Have You Included?

*(Please complete this checklist as part of your online submission.)*

This application will be designated as a supplement to the Tier 1 award. It is not necessary to file an additional SF-242. All assurances, statements, and program descriptions included in the Tier 1 application apply to this supplement.

#### ***Violent Offender Program Requirements (Tiers 2 and 3)***

- G Check box if the state is applying for Violent Offender Incarceration Funds.** (Indicate type of funds requested.)
  - G** State is applying for funds under Tier 2.
  - G** State is applying for funds under Tier 3.
- G** Online submission of the Data for Determining Eligibility (DDE) form (found in Appendix B).

#### ***Truth-in-Sentencing Incentive Program Requirements***

- G Check box if the state is applying for Truth-in-Sentencing funds.** (Please check “Determinate” or “Indeterminate” to specify the state’s sentencing structure, and then check the Truth-in-Sentencing criteria under which the state qualifies for funding.)
  - G Determinate Sentencing State**
    - G** The state has implemented Truth-in-Sentencing laws that require persons convicted of a Part 1 violent crime to serve not less than 85 percent of the sentence imposed.
    - G** The state has implemented Truth-in-Sentencing laws that result in persons convicted of a Part 1 violent crime serving on average not less than 85 percent of the sentence imposed.
    - G** The state has enacted, but not yet implemented, Truth-in-Sentencing laws that require the state, not later than 3 years after it submits its original Truth-in-Sentencing application for funds, to provide that persons convicted of a Part 1 violent crime serve not less than 85 percent of the sentence imposed. [Note: This requires that the qualifying state must implement the law(s) within 3 years of submitting its original application in order to retain the grant funds.]
  - G Indeterminate Sentencing State**
    - G** The state can demonstrate that persons convicted of a Part 1 violent crime on average serve not less than 85 percent of the prison term established under the state’s sentencing and release guidelines.
    - G** The state can demonstrate that persons convicted of a Part 1 violent crime on average serve not less than 85 percent of the maximum prison term allowed under the sentence imposed by the court.

**(continued on reverse)**

**G Check box if the applicant state qualified for Truth-in-Sentencing in FY 2000:**

**G** Check the box if there have been changes and provide a description of any changes to Truth-in-Sentencing legislation, guidelines, or practices.

**G** Please check here **if there have been no changes** in the legislation, guidelines, and/or practices, as provided and described in your previous application, that affect how violent offenders are sentenced and the percentage of sentence served.

**G If applying for the first time as a determinate sentencing state,** a copy of legislation, guidelines, or other supporting information which demonstrates the state's compliance with the Truth-in-Sentencing requirements as defined in the Program Guidance and Application Kit.

**G If applying for the first time as an indeterminate sentencing state,** documentation to show that the state practiced indeterminate sentencing on April 26, 1996 and met the eligibility criteria as of that date.

**G All Truth-in-Sentencing applicants must provide** supporting data as described in this kit, if applicable. Supporting materials should be submitted electronically if at all possible. If you cannot submit materials electronically, contact your OJP/CPO grant manager prior to submitting by mail.

**Deadline: July 1, 2001**

**Questions:** For questions regarding GMS, call the GMS hotline at (888) 549-9901.  
For questions regarding the program or application content, contact OJP/CPO at (800) 848-6325.



# Introduction

This document describes the program requirements and provides the information and forms needed to apply for funding under the Violent Offender Incarceration and Truth-in-Sentencing (VOI/TIS) Incentive Grant Program. The program was created under Title II, Subtitle A of the Violent Crime Control and Law Enforcement Act of 1994, as amended, Pub. L. 103-322 (Crime Act), to assist the states in their efforts to remove violent offenders from the community and to encourage states to implement truth-in-sentencing. Administered by the Corrections Program Office (CPO), Office of Justice Programs (OJP), U.S. Department of Justice, the VOI/TIS Program provides much-needed funding to states as *formula grants* to build or expand correctional facilities and jails to increase secure confinement space for violent offenders. The FY 2001 application and eligibility requirements for funding remain essentially the same as those for FY 2000, except for a new requirement that the applicant comply with the Death in Custody Reporting Act of 2000.

In FY 2000, all states, the District of Columbia, and the territories qualified for Violent Offender Incarceration funding and 28 states qualified for Truth-in-Sentencing funds. The following data from the Bureau of Justice Statistics' (BJS) Bulletin on Prisoners in 1999 demonstrates progress being made by the states in addressing some of the goals of this program.

The total number of prisoners under the jurisdiction of state adult correctional authorities on December 31, 1999 was 1,231,475. This total increased 4.4 percent, or 52,497, from the previous year. The largest growth in state inmates was among violent offenders. Between 1990 and 1998, the number of violent offenders grew by 229,300 inmates, accounting for 51 percent of total state prison population growth.

Even with state prison building activities during the past several years, on December 31, 1999, state prisons were operating at an average of 9 percent above capacity, and 67,380 state prison inmates

were being held in local jails. The need for new prison beds is expected to continue as the number of offenders sentenced to prison and the average time served increase. The average time served has increased from 43 months in 1993 to 49 months in 1997. Data from BJS shows that the average sentence imposed by the courts for violent offenders has decreased slightly from 98 months in 1993 to 93 months in 1997, but the percentage of sentence served has increased from 47 percent to 54 percent during that same period. A small but growing number of prisoners (approximately 5.2 percent in 1998, or more than 61,300 state prisoners) may never be released.

The FY 2001 appropriation for the Violent Offender Incarceration and Truth-in-Sentencing Program is \$686.5 million. The appropriation includes set-asides for the State Criminal Alien Assistance Program, the Cooperative Agreement Program, discretionary grants to build jails on tribal lands, and program administration. A total of approximately \$435.9 million will be distributed to the states under the formula grant program. Half of the funds are available for Violent Offender Incarceration Grants and half for Truth-in-Sentencing Incentive Grants. States may apply for both grant categories.

Beginning this year, applications for funding will only be accepted through the online Grants Management System (GMS). GMS eliminates the need for paper applications and enables applicants to check the status of their funding request.

The GMS system includes an automated SF-424 (Application for Federal Assistance), and automated assurances. As the system continues to evolve to accommodate OJP's many grant solicitations, additional automated features will be made available. Please visit the OJP web site for updates regarding GMS.

The GMS system is accessed through the OJP web site at [www.ojp.usdoj.gov/fundopps.html](http://www.ojp.usdoj.gov/fundopps.html).

## Program Purposes

The purposes of the Violent Offender Incarceration and Truth-in-Sentencing Incentive Grants are to provide funds to states to:

- # Build or expand correctional facilities to increase the bed capacity for the confinement of persons convicted of a Part 1 violent crime or adjudicated delinquent for an act which, if committed by an adult, would be a Part 1 violent crime.
- # Build or expand temporary or permanent correctional facilities, including facilities on military bases, prison barges, and boot camps, for the confinement of convicted nonviolent offenders and criminal aliens, for the purpose of freeing suitable existing prison space for the confinement of persons convicted of a Part 1 violent crime.
- # Build or expand jails.

## Definitions

- # **Construction Expenses** means costs associated with the erection, acquisition, renovation, repair, remodeling, or expansion of new or existing buildings or other physical facilities, and the acquisition or installation of fixed furnishings and equipment. It includes facility planning (to include environmental impact analyses), prearchitectural program-ming, architectural design, preservation, construction administration, construction management, or project management costs. Construction does not include the purchase of land.
- # **Indeterminate Sentencing** means a system by which:
  - a. the court may impose a sentence of a range defined by statute; *and*

- b. an administrative agency, generally the parole board or the court, controls release within the statutory range.

# **Indeterminate Sentencing State** means a state that on April 26, 1996—the date of the enactment of the Department of Justice’s FY 1996 appropriation, which amended the Violent Offender Incarceration and Truth-in-Sentencing statute—practiced indeterminate sentencing with regard to **any** Part 1 violent crime.

# **Part 1 Violent Crime** means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports (UCR).

- **Murder and Nonnegligent Manslaughter** are defined in UCR as the willful (non-negligent) killing of one human being by another. Not included in the count are deaths caused by negligence, suicide, or accident; justifiable homicides; and attempts to murder or assaults to murder, which are counted as aggravated assaults.
- **Forcible Rape** is defined in UCR as the carnal knowledge of a female forcibly and against her will. Assaults and attempts to commit rape by force or threat of force are also included; however, statutory rape (without force) and other sex offenses are excluded.
- **Aggravated Assault** is defined in UCR as the unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm. Attempts are included since it is not necessary that an injury result when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.

- **Robbery** is defined in UCR as the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**An Alternative Definition of "Violent Crime"** may be used for purposes of providing data to demonstrate compliance with the eligibility requirements. States may use the definition for Part 1 violent crimes as defined above, *or* a reasonably comparable class of serious violent crimes, as defined by the state and approved by the U.S. Attorney General. "Total violent offenses" as defined in the Data for Determining Eligibility form found in Appendix B has been approved as a reasonably comparable class of serious violent crimes.

- # **Sentence Imposed** means the term of incarceration set by the court at the time of sentencing.
- # **Sentencing and Release Guidelines** means guidelines that by law (including statutes, formal policy statements, or case law) are utilized both by courts for guidance in imposing a sentence and by parole release authorities in establishing a presumptive release date when the offender has entered prison.
- # **State** means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.
- # **Unit of Local Government** means any city, county, town, township, borough, parish, village, or other general purpose political subdivision of a state, or an Indian tribe that performs law enforcement functions as determined by the Secretary of the Interior.

## General Eligibility Provisions

Only states and territories are eligible to apply for Violent Offender Incarceration and/or Truth-in-Sentencing Incentive grant funds. States may make subawards to state agencies and units of local government.

States may also enter into and apply for funds through regional compacts. Each member of a regional compact must meet the eligibility requirements. No state may receive a grant both individually and as part of a compact. States organized as regional compacts will receive the sum of the amounts that would be available individually to the participating states.

The chief executive of each participating state is required to designate a state office to administer the Violent Offender Incarceration and/or the Truth-in-Sentencing Formula Grant Program.

## Violent Offender Incarceration Grants—Eligibility Requirements

The Violent Offender Incarceration grant funds are allocated to states using a three-tiered formula. Each tier of the formula has different criteria for eligibility, and eligible states may receive funding under *all three tiers*.

Eighty-five percent of the funds available for Violent Offender Incarceration grants are available for the first two tiers, and no state may receive more than 9 percent of the total funds available for these two tiers. The remaining 15 percent is reserved for the third tier. The requirements and allocations for the three tiers are as follows:

## TIER 1

To be eligible for Tier 1 funding, a state must agree that it has implemented, or will implement, correctional policies and programs, including truth-in-sentencing laws, that:

- # ensure that violent offenders serve a substantial portion of the sentences imposed; **and**
- # are designed to provide sufficiently severe punishment for violent offenders, including violent juvenile offenders; **and**
- # ensure that the prison time served is appropriately related to the determination that the inmate is a violent offender and for a period of time deemed necessary to protect the public.

Beginning in FY 2001, states must comply with the Death in Custody Act of 2000, which expands inmate death reporting requirements. The Act is explained more fully on page 8, and guidelines for implementation are included in Appendix D.

Each eligible state, the District of Columbia, and the Commonwealth of Puerto Rico will receive a base allocation of 0.75 percent of the total funds available for Tiers 1 and 2 (\$1,389,635 for FY 2001). The Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands will receive a base allocation of 0.05 percent (\$92,642 for FY 2001).

***Application Requirement:*** *The applicant must accept the Special Condition for Violent Offender Incarceration Grants (found in Appendix A) as part of the award process. In addition, the applicant must briefly describe in the program narrative how it has demonstrated or plans to demonstrate a commitment to these criteria, the correctional policies and programs that have been implemented or will be implemented, and the timeline for implementation. The applicant must*

*also provide the name, address, phone number, fax number, and e-mail address (if available) for a designated Point of Contact to assist the Bureau of Justice Statistics in achieving the state's compliance with the Death in Custody Act of 2000.*

## TIER 2

A state that receives a grant under Tier 1 is eligible to receive additional funds if it demonstrates that, **since 1993**, it has increased:

- # the percentage of persons arrested for a Part 1 violent crime sentenced to prison; **or**
- # the average prison time actually served; **or**
- # the average percent of sentence served by persons convicted of a Part 1 violent crime.

The Violent Offender Incarceration funds available for Tier 1 and Tier 2 (85 percent of the Violent Offender Incarceration funds) remaining after distribution of the Tier 1 base awards are allocated to an eligible state in the ratio its Part 1 violent crimes, as reported to the FBI during the preceding 3 years, bear to the average annual number of Part 1 violent crimes for all eligible states.

***Application Requirement:*** *Applicants must complete sections 1 and 2 of the Data for Determining Eligibility form found in Appendix B. This form requests data for 2000, which will be compared with baseline information provided in previous applications.*

## TIER 3

A state that receives a grant under Tier 1 (and Tier 2, if applicable) is eligible for additional funds if it can demonstrate that it has:

- # **since 1993**, increased the percentage of persons arrested for a Part 1 violent crime sentenced to prison, **and** has increased the

average percent of sentence served by persons convicted of a Part 1 violent crime; **or**

- # increased by 10 percent or more over the most recent 3-year period the number of new court commitments to prison of persons convicted of Part 1 violent crimes.

Fifteen percent of the Violent Offender Incarceration grant funds are set aside for distribution under this tier. Each eligible state, the District of Columbia, and the Commonwealth of Puerto Rico will receive a base allocation of 3 percent (\$980,918 for FY 2001). The Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands will receive a base allocation of 0.03 percent (\$9,809 for FY 2001), if eligible. The remaining funds are allocated to each eligible state on the basis of its share of the average annual number of Part 1 violent crimes for the preceding 3 years, as reported to and published by the FBI for all eligible states.

**Application Requirement:** Applicants must complete sections 1 and 2 of the Data for Determining Eligibility form found in Appendix B. This form requests data for 2000, which will be compared with baseline information provided in the last application.

## Truth-in-Sentencing Incentive Grants— Eligibility Requirements

To be eligible to receive a Truth-in-Sentencing Incentive award, a state must demonstrate any **one** of the following:

### Determinate Sentencing States

- # The state has implemented Truth-in-Sentencing laws that require persons convicted of a Part 1

violent crime to serve not less than 85 percent of the sentence imposed.

**Application Requirement:** The applicant is required to provide its Truth-in-Sentencing law, which demonstrates compliance with this requirement. If applicable, the applicant should describe any exceptions to the law and how they are being applied. States that qualified under this provision in FY 2000 need only provide documentation of changes in law or practice, if any.

All applicants must also complete section 3 of the Data for Determining Eligibility form found in Appendix B.

**or**

- # The state has implemented Truth-in-Sentencing laws that result in persons convicted of a Part 1 violent crime serving **on average** not less than 85 percent of the sentence imposed.

**Application Requirement:** The applicant must provide its Truth-in-Sentencing law and supporting data that demonstrate how the law results in violent offenders serving **on average** not less than 85 percent of the sentence imposed. If applicable, the applicant should describe any exceptions to the law and how they are being applied.

States that qualified under this provision in FY 2000 must include updated data demonstrating that offenders serve **on average** 85 percent of the sentence imposed and documentation of any changes in law, guidelines, or practice or changes in data projections affecting “average” time served. Copies of laws included in the FY 2000 application do not need to be resubmitted with the FY 2001 application.

All applicants must explain how they will monitor implementation to ensure that the average sentence served does not fall below 85 percent of the sentence imposed. All applicants must also complete section 3 of

*the Data for Determining Eligibility form found in Appendix B.*

*or*

- # The state has enacted, but not yet implemented, Truth-in-Sentencing laws that require the state, not later than 3 years after it submits its application for funds, to provide that persons convicted of a Part 1 violent crime serve not less than 85 percent of the sentence imposed.

***Application Requirement:*** *The applicant is required to provide its Truth-in-Sentencing law, which demonstrates compliance with this requirement and, if applicable, a description of any exceptions to the law and how they will be applied. The applicant must also provide a timetable for implementation of the law. States that qualified under this provision in FY 2000 need only provide documentation of any changes in the law or timetable for implementation.*

*If a state enacts a Truth-in-Sentencing law but fails to implement a qualifying sentencing structure within 3 years, any Truth-in-Sentencing grants awarded to the state pending implementation will be subject to deobligation and funds returned to the Office of Justice Programs for redistribution.*

## **Indeterminate Sentencing States**

To qualify for funds as an indeterminate sentencing state, the state must demonstrate that it practiced indeterminate sentencing and met one of the following two criteria on April 26, 1996, the date the statute was amended.

- # Persons convicted of a Part 1 violent crime **on average** serve not less than 85 percent of the prison term established under the state's sentencing and release guidelines (see definition).

***Application Requirement:*** *The applicant must provide documentation that the state meets the definition of an "indeterminate sentencing*

*state" and that its guidelines comply with the definition of "sentencing and release guidelines." Further, data must be provided to show that persons convicted of a Part 1 violent crime serve on average not less than 85 percent of the prison term established under these guidelines. The applicant must also describe how the guidelines are used in determining release dates and, if applicable, any exceptions to them and how they are being applied.*

*States that qualified under this provision in FY 2000 must include data demonstrating that offenders serve 85 percent of the sentence imposed and documentation of any changes in law, guidelines, practice, or data projections affecting "average" time served. Copies of laws or guidelines included in the FY 2000 application do not need to be resubmitted with the FY 2001 application.*

*All applicants must also complete section 3 of the Data for Determining Eligibility form found in Appendix B.*

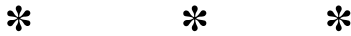
*or*

- # Persons convicted of any Part 1 violent crime **on average** serve not less than 85 percent of the **maximum** prison term allowed under the sentence imposed by the court.

***Application Requirement:*** *The applicant must provide documentation that the state meets the definition of an "indeterminate sentencing state" and data or other documentation to show that persons convicted of a Part 1 violent crime **on average** will serve not less than 85 percent of the maximum prison term allowed under the sentence imposed by the court. If applicable, the applicant must describe any exceptions and how they are being applied. The applicant must also explain how it will monitor implementation to ensure that the average sentence served does not fall below 85 percent of the maximum prison term allowed under the sentence imposed by the court.*

*States that qualified under this provision in FY 2000 must include updated data demonstrating that offenders serve **on average** 85 percent of the sentence imposed and documentation of any changes in law, guidelines, practice, or data projections affecting “average” time served. Copies of laws and guidelines included in the FY 2000 do not need to be resubmitted with the FY 2001 application.*

*All applicants must also complete section 3 of the Data for Determining Eligibility form found in Appendix B.*



In calculating time served, a state may include only the actual time an offender is committed to the care and custody of the correctional agency, **not** any administrative or statutory time credits, such as reductions for good behavior, earned time, meritorious conduct, population control releases, etc. Jail time served can be included in the computation, as well as time served in community and reintegration placements, but **not** probation and parole time.

A state in which a very small number of offenders with life sentences may be released must describe how exceptions to life sentences are handled and how this practice is consistent with the goals of Truth-in-Sentencing.

Truth-in-Sentencing grant funds will be allocated to each eligible state on the basis of its share of the average annual number of Part 1 violent crimes for the preceding 3 years, as reported to and published by the FBI for all eligible states.

By Statute, no state may receive more than 25 percent of the total amount available for Truth-in-Sentencing grants.

## **Exception for Geriatric Prisoners and/or Prisoners With Medical Conditions**

The Governor of the state may allow for the early release of:

- # A geriatric prisoner—an older person, as defined by the state, who is individually assessed to determine that he or she no longer poses a threat to the public.
- # A prisoner whose medical condition precludes the prisoner from posing a threat to the public, but only after a public hearing in which representatives of the public and the prisoner's victim(s) have had an opportunity to be heard regarding a proposed release.

***Application Requirement:*** *The applicant must describe any exceptions to its Truth-in-Sentencing law or policies for geriatric prisoners, prisoners with medical conditions, or others, and provisions for public hearings for prisoners with a medical condition that precludes the prisoner from posing a threat to the public.*

## **Demonstrated Ability To Operate Facilities**

Each applicant must demonstrate its ability to fully support, operate, and maintain correctional facilities constructed with grant funds.

***Application Requirement:*** *The applicant must certify the state's ability to operate grant-supported facilities. This certification is now completed by acceptance of a statement included as a special condition, included in Appendix A. The applicant must accept this special condition as part of the award process. Acceptance of this statement also indicates that, if grant funds are subawarded to units of local government, the local government will be required to provide a similar certification.*

## **Recognition of the Rights of Crime Victims**

To be eligible to receive a grant, an applicant state was required to provide an assurance that it had implemented or would implement by October 26, 1997—18 months after enactment of the Department of Justice's FY 1996 appropriation, which amended the Violent Offender Incarceration and Truth-in-Sentencing statute —policies that provide for the rights and needs of crime victims.

Specifically, states are encouraged to provide recognition of the rights and needs of crime victims in the following areas:

- # Providing notice to victims concerning case and offender status.
- # Providing an opportunity for victims to be present at public court proceedings in their cases.
- # Providing victims the opportunity to be heard at sentencing and parole hearings.
- # Providing for restitution to victims.
- # Establishing administrative or other mechanisms to effectuate these rights.

States were not required to adopt any mandated set of victims' rights measures to comply with this provision, but the adoption by a state of measures which are comparable to or exceed those applied in federal proceedings were deemed sufficient compliance for eligibility for funding. All states complied with this requirement by the due date.

***Application Requirement:*** *The applicant must briefly describe any changes in the state's victim's rights provisions or practices since submitting its FY 2000 application.*

## **Drug Testing, Intervention, and Sanctions Program**

The FY 1997 Appropriations Act included a provision which requires the states to implement a program of drug testing, intervention, and

sanctions for offenders under corrections supervision. Notwithstanding a change to the statutory language attached to the FY 1999 appropriation that extended the deadline for compliance and makes compliance voluntary, the drug testing guidelines as issued by the Attorney General remain unchanged. See Appendix C for copy of guidelines.

The guidelines require states to establish a baseline rate of drug-free inmate drug tests during 1998. The baseline rate was based on random tests of the general population conducted during 1998. No later than March 1, 2000, each state is required to submit an updated report.

***Reporting Requirement:*** *The applicant must complete and submit the report found in Appendix B not later than March 1, 2001. The report should be faxed or mailed to the grant manager within OJP/CPO.*

## **Reporting of Inmate Deaths**

Most state correctional agencies currently provide annual reports of general information on prison inmate deaths to OJP's Bureau of Justice Statistics (BJS) through the National Prisoners Statistics Program (NPS). The NPS provides counts of inmate deaths by gender and cause of death, based on annual reports from the departments of corrections in the 50 states and the District of Columbia and from the Federal Bureau of Prisons.

The **Death in Custody Reporting Act of 2000** amends the Violent Crime Control and Law Enforcement Act of 1994 to expand inmate death reporting requirements. States that apply for VOI/TIS funds are required to agree to a special condition that they will follow guidelines established by the Attorney General in reporting inmate deaths on a quarterly basis. The Act requires reporting, on a quarterly basis, of information regarding death of any person who is in the process of arrest, is en route to be incarcerated, or is incarcerated at a municipal or county jail, state prison, or other local or state



correctional facility (including any juvenile facility).

The information to be reported includes:

- # the name, gender, race, ethnicity, and age of the deceased;
- # the date, time, and location of death; and
- # a brief description of the circumstances surrounding the death.

BJS will implement the collection effort. Guidelines are included as Appendix D of this document.

States must designate a Point of Contact for these requirements as part of their application for Tier 1 funds. The Point of Contact will ensure state compliance and encourage local compliance with reporting efforts.

***Application Requirement:*** All states applying for Tier 1 funds must agree to a special condition to comply with the Death in Custody Act of 2000 and Point of Contact information as part of the application. The text of this special condition is found in Appendix A.

## Uses of Grant Funds

### # Expand Capacity

Grant funds may be used to build or expand permanent or temporary correctional facilities to increase bed space for the confinement of adult violent offenders and for nonviolent offender and criminal aliens to free space for violent offenders. Grant funds also may be used to build or expand local jails, build or expand juvenile correctional facilities, and/or for privatization of facilities.

### # Offender Drug Testing and Intervention Programs

Beginning in FY 1999, a state may apply up to 10 percent of its annual VOI/TIS award to the costs of offender drug testing and intervention programs during periods of incarceration and

post-incarceration criminal justice supervision and/or to pay the costs of providing the required baseline report of drug use in its prisons. The funds may be used for costs associated with the implementation of the state's drug testing, intervention, and sanctions program as described in the policy and procedures approved by OJP/CPO, but may not be used to supplant funds previously appropriated for this purpose. [**Note:** FY 1996-1998 VOI/TIS funds may not be used for this purpose.]

***Application Requirement:*** The applicant must briefly describe the planned use of the funds and show how the expenditures will increase bed space for the confinement of violent offenders. The description must also address how any funds used for offender drug testing and intervention programs are related to the implementation of the state's approved drug testing, intervention, and sanctions guidelines and policies.

## Sharing Funds With Units of Local Government

Each state may reserve up to 15 percent of its formula grant award in a fiscal year for counties and other units of local government for the purpose of constructing, developing, expanding, modifying, or improving jails and other correctional facilities. In determining the amount of funds to be reserved, a state shall consider the burden placed on a county or unit of local government in housing state prisoners due to the state's efforts to incarcerate violent offenders and/or implement Truth-in-Sentencing.

## Juvenile Facilities

Grant funds may be used to build or expand correctional facilities to increase bed capacity for violent juvenile offenders. In addition, if a state certifies that exigent circumstances exist that require the state to expend funds to build or expand facilities to confine juvenile offenders other than juvenile offenders adjudicated delinquent for an act

which, if committed by an adult would be a Part 1 violent crime, it may use grant funds to build or expand juvenile correctional facilities, including pretrial detention facilities and boot camps to increase capacity for the confinement of such nonviolent juvenile offenders, as defined by the Act. Exigent circumstances may include an increase in juvenile violent crime prosecutions or overcrowding of juvenile correctional facilities.

***Application Requirement:*** *If the applicant plans to use funds for facilities for nonviolent juvenile offenders, as defined by the Act, it must certify in its application that exigent circumstances exist that require the state to expend funds to confine such juvenile offenders and provide a brief description of those circumstances.*

## Privatization

The state may use grant funds for the privatization of facilities to carry out the purposes of this program. Privatization means the private sector management and operation of a correctional facility that is owned by the state, leasing of beds from a private entity, or the construction of a state correctional facility by a private entity for the purpose of increasing or freeing existing bed space for Part 1 violent offenders.

***Application Requirement:*** *If the applicant plans to use funds for privatization of facilities, it must provide a description of such arrangements.*

## Technical Assistance

OJP/CPO offers a broad range of training, conferences, workshops, and technical assistance to assist States with program eligibility and implementation. Assistance is available on topics such as comprehensive correctional planning; sentencing reform to include Truth-in-Sentencing; assessment of the impact of sentencing law changes; facility planning, construction, and renovation; and data collection and information system improvement.

Assistance available is described in the annual OJP/CPO Technical Assistance Plan, which is available by calling the Corrections Technical Assistance Line or from the OJP/CPO homepage. States can also access technical assistance or obtain information on Department of Justice programs from any of the following numbers or homepages:

### **Corrections Technical Assistance Line**

(Information on program, requirements, funding, and technical assistance) **(800) 848-6325**  
**(202) 305-4866**  
D.C. Metro area

### **CPO Homepage** <http://www/ojp.usdoj.gov/cpo>

(Copies of publications and information on grant activities in the states and technical assistance events)

### **OJP Homepage** <http://www/ojp.usdoj.gov>

(Access to information and publications on programs administered by OJP and its Bureaus)

### **Department of Justice Response Center** **(800) 421-6770**

(General information about other Department of Justice programs)

### **Bureau of Justice Statistics—Corrections Staff** **(202) 307-0765**

(Assistance with data)

### **National Institute of Corrections** **(800) 995-6423** <http://www/nicic.org>

(Information on training, technical assistance, and corrections resources)

### **Federal Bureau of Investigation—Program Support** **(800) 793-7963**

(Assistance with arrest data)

the last screen of the online form, the following language appears:

Your typed name, in lieu of your signature, represents your legal binding acceptance of the terms of this application and your statement of the veracity of the representations made in this application. The document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached Assurances (OJP Form 4003/3), Certification Regarding Lobbying: Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements (OJP Form 4061/6), and the Violent Offender Incarceration Program Assurance of Compliance with Program Statutory Requirements.

## Application Process

A two-phased application process will be used for the submission of FY 2001 applications. This will enable OJP/CPO to make the Tier 1 base awards to the states as quickly as possible. It will also provide states time to pass Truth-in-Sentencing legislation and/or update data on sentencing and release practices that may bring them into compliance with the statutory requirements to qualify for the Tier 2, Tier 3, and/or Truth-in-Sentencing funds. **The FY 2001 application for Tier 1 funding is due March 30, 2001.** Applications may be submitted online beginning February 1, 2001.

The application for Tier 2, Tier 3, and/or Truth-in-Sentencing funds will be processed as a supplement to the Tier 1 application. The second submission is a simplified application consisting of a copy of the completed checklist and the specific documentation required for each type of funds requested. All assurances and certifications submitted with the Tier 1 application will apply to the supplemental application and award. **The FY 2001 application for Tier 2, Tier 3, and/or Truth-in-Sentencing funds is due July 1, 2001.** Applications may be submitted online beginning June 1, 2001.

OJP/CPO is continuing to pursue refinements to the GMS system. Grantee agencies will be notified of any changes in procedure at least 30 days in advance of the application deadline, and all information regarding GMS will be posted on the OJP/CPO web site.

## Electronic Signature

The process of completing the online SF-424 includes acceptance of standard assurances. On

By clicking "Yes" on this screen, the applicant commits the agency to compliance with the named assurances. The assurances are contained in Appendix A of this document and should be read in full before completing the online application. A help screen is also available to refer the applicant to the text of the assurances.

Electronic submission of the application is equivalent to returning a signed SF-424 and assurances to the Office of Justice Programs. The application cannot be modified after submission.

## Administrative Provisions

### State Office Responsibilities

The state office that has been designated by the Governor to administer this program is responsible for:

- # Preparing the application for federal funds.
- # Administering grant funds received, to include establishing funding priorities; receiving, accounting for, and disbursing funds;

reviewing, processing, monitoring, and evaluating subawards; preparing progress and financial reports; complying with audit requirements; and providing guidance and technical assistance to subgrantees.

- # Serving as a statewide Point of Contact for implementation of the Death in Custody Reporting Act of 2000.

***Application Requirement:*** *The applicant must provide a brief description of how the program will be administered, how funding decisions will be made, and the procedures for awarding and administering grants.*

## **Administrative Funds**

States may use up to 3 percent of the total formula grant award for costs associated with administration of the program.

***Application Requirement:*** *The applicant must provide a budget narrative indicating the amount of funds that will be allocated for administration and describing how the funds will be used. The budget narrative should include the name and title of all personnel assigned to the grant (federal and match funds) and the percent of time that will be devoted to grant activities, as well as a breakdown of other direct and indirect costs.*

## **Match Requirement**

The federal share of a grant-funded project may not exceed 90 percent of the total costs of the project.

The 10 percent matching funds must be in the form of cash match and must be used for the same purposes for which federal funds may be used. Any formula grant funds used to implement the state's approved drug testing, interventions, and sanctions program and/or to administer the program are also subject to the same match requirements. The matching funds must be

provided on a project-by-project basis, within the grant project period.

## **Award Period**

Funds for each fiscal year will be awarded for a period that includes the fiscal year of the appropriation plus 4 additional years. Awards will be made as a supplement to the initial Violent Offender Incarceration and Truth-in-Sentencing award and will therefore extend the award period for all prior awards.

## **Monitoring and Evaluation**

OJP/CPO will monitor the implementation of the Violent Offender Incarceration and Truth-in-Sentencing Program by analyzing changes in the following measures:

- # Prison capacity.
- # The number of new correctional facility and/or jail beds added to the system with grant support.
- # The number of correctional facility beds available for holding Part 1 violent offenders.
- # The proportion of persons arrested for a Part 1 violent crime who are sentenced to prison.
- # The number of persons convicted of a Part 1 violent crime who are sentenced to prison.
- # The average time served in prison by those convicted of a Part 1 violent crime who are sentenced to prison.
- # The average percentage of the total sentence actually served in prison by those convicted of a Part 1 violent crime who are sentenced to prison.

Much of this information is captured on the Data for Determining Eligibility (DDE) form. States are

also required to complete semi-annual progress reports, described below.

All applicants and their subgrantees agree to participate in OJP-sponsored evaluation activities by providing program or administrative information as requested. OJP/CPO will also monitor the grants for compliance with the grant purposes, assurances, certifications, and conditions.

## Reporting Requirements

The following reporting requirements have been established to assist OJP/CPO in monitoring program implementation:

- # **Financial Reports:** Financial status reports are due quarterly within 45 days following the end of each calendar quarter. A report must be submitted every quarter the award is active. The final report is due 120 days after the end date of the award. The Office of the Comptroller will provide a copy of this form in the initial award package. Future awards and fund drawdowns may be withheld if the required reports are delinquent.
- # **Semi-Annual Progress Reports:** This report, found in Appendix B, provides information on the status of the implementation of the formula grant program. Reports for January through June and July through December of each year are due 30 days following the report period.
- # **Individual Project Reports:** This one-page report, found in Appendix B, provides information on subgrant/projects and should be sent by the state office to OJP/CPO following each subaward or allocation of funds for a specific project. Each state should also submit an annual Individual Project Report identifying the amount of the grant to be used for administration that year. The form has been modified to include space for grantees to provide information on funds used for environmental services, as required by the National Environmental Policy Act.

# **Subgrantee Reporting:** States are responsible for monitoring and fiscal oversight of subgrant projects and shall establish regular progress and financial reporting requirements for subgrantees. These reports should be retained by the state office and made available for review by OJP/CPO or its authorized representatives during monitoring visits, inspections, or audits.

# **Drug Testing Data Report:** This report, described on page 8, must be submitted by March 1, 2001.

## Single Point of Contact Review

The applicant must submit a copy of its formula grant application to the state Single Point of Contact (SPOC), if one exists, and if this program has been selected for review. The applicant should contact the state SPOC to determine if this program is subject to SPOC review.

***Application Requirement:** The applicant should enter the date that its application was sent to the SPOC or the reason such submission is not required in item 17 on the Application for Federal Assistance, SF-424.*

## Assurances and Special Conditions

This application kit includes the assurances and special conditions, found in Appendix A, to which the applicant must agree in order to receive federal funds under this program. It is the responsibility of the recipient of the federal funds to fully understand and comply with these requirements. Failure to comply may result in the withholding of funds, termination of the award, or other sanctions.

***Application Requirement:** The applicant must accept the assurances as part of the online application process.*

## Supplanting Prohibition

Federal funds must be used to supplement existing funds for program activities and may not replace (supplant) non-federal funds that have been appropriated for the same purpose. Potential supplanting will be the subject of monitoring and audit. Violations can result in a range of penalties, including suspension of future funds under this program, suspension or debarment from federal grants, recoupment of monies provided under this grant, and civil and/or criminal penalties.

## Certifications Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace

The applicant is required to certify the following, as detailed in the Certifications form found in Appendix A:

- # **Lobbying:** The applicant, and its sub-grantees, contractors, and subcontractors, will not use federal funds for lobbying and will disclose any lobbying activities.
- # **Debarment:** The applicant and its principals have not been debarred or suspended from federal benefits and/or no such proceedings have been initiated against them; have not been convicted of, indicted for, or criminally or civilly charged by a government entity for fraud, violation of antitrust statutes, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; and have not had a public transaction terminated for cause or default.
- # **Drug-Free Workplace:** The applicant will or will continue to provide a drug-free workplace.

***Application Requirement:** The applicant must accept these assurances as part of the online application process.*

## Coordination of Federal Efforts

States are required to provide information in their application on (a) active federal grant awards (from the Department of Justice or otherwise) already supporting this or related efforts; (b) information on any pending application(s) for federal money for this or related efforts; and (c) how these would be coordinated with the funding sought by this application. For each, please include the program/project title, the federal grantor agency; the federal award amount, and a very brief description of its purpose.

This information is requested to encourage better coordination among federal agencies in addressing state and local needs.

“Related efforts” is defined for these purposes as:

- # The same purpose (i.e., the proposed award would supplement, expand, complement, or continue activities funded with other federal grants).
- # Another phase or component of the same program/project (e.g., to implement a planning effort funded by other federal monies or to provide a substance abuse treatment or education component within a criminal justice project).
- # Providing services of some kind (e.g., technical assistance, research, evaluation) to the program/project described in your application.

***Application Requirement:** The applicant must include a list and description of active federal grant awards or applications for funds related to the proposed project.*

## National Environmental Policy Act (NEPA)

All proposals for legislation and other major federal actions significantly affecting the quality of the human environment—including construction projects—are subject to the provisions of the National Environmental Policy Act (NEPA) and related environmental laws. The *Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act*, issued by the Council on Environmental Quality, define the category of federal actions that apply to the VOI/TIS program: “[a]pproval of specific projects, such as construction or management activities, located in a defined geographic area. Projects include actions approved by permit or other regulatory decision as well as federal and federally-assisted activities.”

All construction, expansion, and renovation projects initiated by state or local units of government with grant funding from OJP/CPO are subject to NEPA. NEPA requires the preparation of an environmental assessment (EA) in order to determine if the project will significantly impact the environment, and/or a more detailed environmental impact statement (EIS) if a significant impact is expected to result from the federal action.

The NEPA procedures must be initiated as part of the planning and site selection phase of all new construction, expansion, and renovation projects and completed before the construction or renovation can begin. For example, none of the following actions can be taken until the NEPA analysis is completed for the affected project:

- # starting construction;
- # accepting construction bids;
- # advertising for construction bids;
- # initiating the development of or approving final plans and specifications; or
- # purchasing property for the express purpose of building the project.

OJP/CPO has prepared an Interim Final Rule defining the applicability of NEPA to the VOI/TIS Program. The rule was published in the *Federal Register* and became effective on August 8, 2000. It is included as Appendix E of this document. The

comment period has elapsed, and the rule is expected to be republished without further amendment.

Section 91.55 of the Interim Final Rule defines the types of VOI/TIS projects that may be categorically excluded from NEPA requirements. Such projects are limited to:

- # Minor renovations within an existing facility, unless such renovation would impact a structure on, or eligible for listing on, the National Register of Historic Places.
- # Limited expansion, which is defined as a project that will be completed within an existing facility or existing correctional complex and does not exceed 50 beds or increase the capacity of the facility by more than 50 percent, whichever is smaller. This exclusion does not apply to either a phased project that exceeds the defined numerical threshold or projects with other environmental issues, including historic preservation issues.
- # Expansion of support facilities to accommodate an increased number of inmates due to bed space expansion. This does not include projects to increase capacity for support facilities which might pose a threat to the environment, such as solid waste and waste water management, new roads, new or upgraded utilities coming into the facility, or prison industry programs that involve the use of chemicals and produce hazardous waste or water or air pollution.
- # Security upgrades of an existing facility which are inside the existing perimeter fence or involve the upgrade of the existing perimeter fence. This exclusion does not include such upgrades as lethal fences or increasing height or lighting of a perimeter fence in a residential area or other areas sensitive to visual impacts resulting from height or lighting changes.
- # Privatization. Projects that involve leasing bed space from a private vendor in a facility operated by that vendor are excluded, unless the correctional agency has contracted with the

vendor to build a facility for that agency's use.

- # Use of grant funds for drug testing, sanctions, treatment, or interdiction programs.

No construction or renovation project should be assumed to qualify automatically for a categorical exclusion.

The grantee is required to request consideration for a categorical exclusion from OJP/CPO as early as possible in the planning for the project but no later than prior to the start of construction or renovation or the purchase/installation of security upgrades. Requests should be made in writing to the state's grant manager. In the request, the grantee should provide a full explanation of the project and indicate how the project qualifies for a categorical exclusion. The grantee must also include information on the age of any affected or potentially affected structures; any issues regarding flood plains, wetlands, endangered or threatened species, air quality, solid waste and wastewater management of which the grantee is aware; and a discussion of any public opposition or controversy surrounding the project. See Section 91.55 of the Interim Final Rule in Appendix E for a more comprehensive discussion of items that must be included in the request.

The request will be reviewed and a written response issued by OJP/CPO. Work on the project cannot proceed until the grantee receives written notification that the project has been approved for categorical exclusion.

A more detailed discussion of NEPA requirements is provided in the *Program Guidance on Environmental Protection Requirements*, available from OJP/CPO and on the web at <http://www.ojp.usdoj.gov/cpo>.

## Civil Rights Compliance

All recipients of federal grant funds are required to comply with federal nondiscrimination

requirements, as outlined in the assurances. If any court or administrative agency makes a finding of discrimination on grounds of race, color, religion, national origin, gender, disability, or age against a recipient of funds after a due process hearing, the state office must forward a copy of the finding to the OJP Office of Civil Rights at the address on the inside cover of this document.

An Equal Employment Opportunity Plan is required for all grants of \$500,000 or more. If a plan is required and is not already on file with OJP, a special condition will be attached to the award requiring submission of a plan.



## **Purchase of American-Made Equipment and Products**

To the greatest extent practicable, all equipment and products purchased with federal funds should be American-made.

## **Fiscal Requirements**

A state that receives Violent Offender Incarceration and/or Truth-in-Sentencing formula grant funds shall use accounting, audit, and fiscal procedures that meet or exceed the standards outlined in the OJP Financial Guide. States must also ensure that any funds used to carry out these programs represent the best value for the state government at the lowest possible cost and employ the best available technology. Upon request, OJP/CPO, in conjunction with the National Institute of Corrections, will provide technical assistance on cost-cutting construction standardization techniques and new building materials and technologies.

## **Appendix A**

### **Certifications, Special Conditions and Assurances**

# **Special Conditions**

## **Violent Offender Incarceration Grants**

*The applicant must accept these special conditions as part of the award process for Tier 1 grant funds.*

### **Tier 1 Special Condition:**

The State/Territory has implemented, or will implement, correctional policies and programs, including truth-in-sentencing laws that ensure that violent offenders serve a substantial portion of the sentences imposed, that are designed to provide sufficiently severe punishment for violent offenders, including violent juvenile offenders, and that the prison time served is appropriately related to the determination that the inmate is a violent offender and for a period of time deemed necessary to protect the public.

### **Certification of Intent to Operate Facilities:**

The State/Territory agrees to support, maintain, and operate correctional facilities constructed in whole or in part with grant funds

### **Certification of Intent to Comply with the Death in Custody Reporting Act of 2000:**

The State/Territory (State) will comply with the Death in Custody Reporting Act of 2000. The State accepts the provisions of the Act as defined in the guidance provided by the Attorney General, and will commit to:

- a) Ensuring that all affected State agencies comply with the provisions of the Act. This includes the agencies responsible for the operation and management of State adult and juvenile correctional facilities:
- b) Providing the Office of Justice Programs/Corrections Program Office with a State Point of Contact for compliance efforts. This Point of Contact is identified in the state's application for Truth-in-Sentencing funding under the Violent Offender Incarceration/ Truth-in-Sentencing Incentive Grant Program. The Point of Contact will assist, as requested, with ensuring state compliance and fostering local compliance with the reporting requirements of the Act;
- c) Encouraging local jurisdictions to comply with the provisions of the Act and assist the Bureau of Justice Statistics in fostering compliance.

## General Assurances

The applicant hereby assures and certifies compliance with all federal statutes, regulations, policies, guidelines and requirements, including OMB Circulars No. A-21, A-110, A-122, A-133, A-87; E.O. 12372; and Uniform Administrative Requirements for Grants and Cooperative Agreements—28 CFR, Part 66, Common Rule, that govern the application, acceptance and use of federal funds for this federally assisted project. Also the applicant assures and certifies that:

1. It possesses legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of federal and federally-assisted programs.
3. It will comply with provisions of federal law which limit certain political activities of employees of a state or local unit of government whose principal employment is in connection with an activity financed in whole or in part by federal grants. (5 U.S.C. 1501, *et seq.*)
4. It will comply with the minimum wage and maximum hours provisions of the federal Fair Labor Standards Act.
5. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
6. It will give the sponsoring agency or the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.
7. It will comply with all requirements imposed by the federal sponsoring agency concerning special requirements of law, program requirements, and other administrative requirements.
8. It will insure that the facilities under its ownership, lease, or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.
9. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Prevention Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1976. Section 102(1) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any federal financial assistance for construction or acquisition purposes for any use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards. The phrase "federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect federal assistance.
10. It will assist the federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historical Preservation Act of 1966 (16 U.S.C. 569a-1 *et seq.*) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the federal grantor agency of the existence of any such properties by (b) complying with all requirements established by

the federal grantor agency to avoid or mitigate adverse effects upon such properties.

11. It will comply, and assure the compliance of all its subgrantees and contractors, with the applicable provisions of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, the Juvenile Justice and Delinquency Prevention Act, or the Victims of Crime Act, as appropriate; the provisions of the current edition of the Office of Justice Programs Financial and Administrative Guide for Grants (M7100.1); and all other applicable federal laws, orders, circulars, or regulations.
12. It will comply with applicable provisions of 28 CFR related to grants and cooperative agreements including Part 18, Administrative Review Procedure; Part 20, Criminal Justice Information Systems; Part 22, Confidentiality of Identifiable Research and Statistical Information; Part 23, Criminal Intelligence Systems Operating Policies; Part 30, Intergovernmental Review of Department of Justice Programs and Activities; Part 42, Nondiscrimination/Equal Employment Opportunity Policies and Procedures; Part 61, Procedures for Implementing the National Environmental Policy Act; Part 63, Floodplain Management and Wetland Protection Procedures; and federal laws or regulations applicable to federal assistance programs.
13. It will comply, and all its contractors will comply, with the non-discrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. 3789(d), or Victims of Crime Act (as appropriate); Title VI of the Civil Rights Act of 1964, as amended; Subtitle A, Title II of the Americans with Disabilities Act (ADA) (1990); Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; Department of Justice Non-Discrimination Regulations, 28 CFR Part 42, Subparts C, D, E, and G; and Department of Justice regulations on disability discrimination, 28 CFR Part 35 and Part 39.
14. In the event a federal or state court or federal or state administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, or disability against a recipient of funds, the recipient will forward a copy of the finding to the Office for Civil Rights, Office of Justice Programs.
15. It will provide an Equal Employment Opportunity Program if required to maintain one, where the application is for \$500,000 or more.
16. It will comply with the provisions of the Coastal Barrier Resources Act (P.L. 97-348) dated October 19, 1982 (16 U.S.C. 3501 *et seq.*) Which prohibits the expenditure of most new federal funds within the units of the Coastal Barrier Resources System.

# DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352  
(See reverse for public burden disclosure)

<b>1. Type of Federal Action:</b> <input type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance	<b>2. Status of Federal Action:</b> <input type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. Initial award <input type="checkbox"/> c. post award	<b>3. Report type:</b> <input type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change <b>For Material Change Only:</b> year _____ Quarter _____ date of last report _____
<b>4. Name and Address of Reporting Entity:</b> <input type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tler _____, <i>if known</i>   Congressional District, <i>if known</i> :	<b>5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:</b>     Congressional District, <i>if known</i> :	
<b>6. Federal Department/Agency:</b>	<b>7. Federal Program Name/Description:</b>   CDFA Number, <i>if applicable</i> : _____	
<b>8. Federal Action Number, if known:</b>	<b>9. Award Amount, if known:</b> \$	
<b>10. a. Name and Address of Lobbying Entity (if individual, last name, first name, MI)</b>	<b>b. Individuals Performing Services (including address if different from No. 10a) (last name, first name, MI)</b>	
<b>11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of the fact upon which reliance was placed by the tler above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.</b>	<b>Signature:</b> _____ <b>Print Name:</b> _____ <b>Title:</b> _____ <b>Telephone No.:</b> _____ <b>Date:</b> _____	
<b>Federal Use Only:</b>		<b>Authorized for Local Reproduction Standard Form - LLL</b>



U.S. DEPARTMENT OF JUSTICE  
OFFICE OF JUSTICE PROGRAMS  
OFFICE OF THE COMPTROLLER

## CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUGFREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying" and 28 CFR Part 67, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

### 1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

### 2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510, -

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local)

transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

### 3. DRUGFREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the DrugFree Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67, Sections 67.615 and 67.620 —

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drugfree awareness program to inform employees about —

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drugfree workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted ---

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check ☐ if there are workplaces on file that are not identified here.

Section 67, 630 of the regulations provides that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for Department of Justice funding. States and State agencies may elect to use OJP Form 4061/7.

Check ☐ if the State has elected to complete OJP Form 4061/7.

### DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67; Sections 67.615 and 67.620 ---

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

1. Grantee Name and Address:

2. Application Number and/or Project Name

3. Grantee IRS/Vendor Number

4. Typed Name and Title of Authorized Representative

5. Signature

6. Date



## INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime federal recipient, at the initiation or receipt of a covered federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identifying the type of covered federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered federal action.
2. Identify the status of the covered federal action.
3. Identify the appropriate classification of this report. If this is a follow-up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered federal action.
4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "subawardee", then enter the full name, address, city, state and zip code of the prime federal recipient. Include Congressional District, if known.
6. Enter the name of the federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the federal program name or description for the covered federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate federal identifying number available for the federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant or loan award number; the application/proposal control number assigned by the federal agency). Include prefixes, e.g., "RFP-DE-90-001".
9. For a covered federal action where there has been an award or loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered federal action.  
  
(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI)>
11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046); Washington, D.C. 20503.

## **Appendix B**

### **Application and Reporting Forms**

OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE		2. DATE SUBMITTED	Applicant Identifier
1. TYPE OF SUBMISSION: <i>Application</i> <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction		3. DATE RECEIVED BY STATE	State Application Identifier
<i>Preapplication</i> <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction		4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier
5. APPLICANT INFORMATION			
Legal Name:		Organizational Unit:	
Address (give city, county, state and zip code):		Name and telephone number of the person to be contacted on matters involving the application (give area code)	
6. EMPLOYER IDENTIFICATION (EIN) <div><input type="text"/><input type="text"/><input type="text"/> - <input type="text"/><input type="text"/><input type="text"/><input type="text"/><input type="text"/><input type="text"/><input type="text"/><input type="text"/></div>		7. TYPE OF APPLICANT: (enter appropriate letter in box) <input type="checkbox"/> <div><div>A. State B. County C. Municipal D. Township E. Interstate F. Intermunicipal G. Special District</div><div>H. Independent School Dist. I. State Controlled Institution of Higher Learning J. Private Industry K. Indian Tribe L. Individual M. Profit Organization N. Other (specify): _____</div></div>	
8. TYPE OF APPLICATION: <input type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es): <input type="checkbox"/> <input type="checkbox"/> A. Increase Award    B. Decrease Award    C. Increase Duration D. Decrease Duration    Other (specify): _____		9. NAME OF FEDERAL AGENCY:	
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: <div><input type="text"/><input type="text"/><input type="text"/> - <input type="text"/><input type="text"/><input type="text"/></div> TITLE:		11. DESCRIPTIVE TITLE OF APPLICANTS PROJECT:	
12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.):			
13. PROPOSED PROJECT:		14. CONGRESSIONAL DISRICTS OF:	
Start Date	Ending Date	a. Applicant	b. Project
15. ESTIMATED FUNDING:		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?	
a. Federal	\$ .00	a. YES, THIS PREAPPLICATION/APPLICATIN WAS MADE A VAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:  DATE _____	
b. Applicant	\$ .00	b. NO, <input type="checkbox"/> PROGRAM IS NOT COVERED BY E.O. 12372	
c. State	\$ .00	<input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW	
d. Local	\$ .00		
e. Other	\$ .00		
f. Program Income	\$ .00	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?	
g. TOTAL	\$ .00	<input type="checkbox"/> Yes    If "Yes," attach an explanation. <input type="checkbox"/> No	
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED			
a. Typed Name of Authorized Representative		b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed	

## Instructions for Completion of the Application for Federal Assistance, SF-424

The paper version of the SF-424 is included for reference and should be submitted only with the prior approval of the Office of Justice Programs. **Applicants are required to use the online system (GMS) unless they obtain prior approval to submit a paper application.**

This form contains 18 different items, all of which are to be completed before your application is reviewed. The Office of Justice Programs (OJP) cannot accept the application without a completed and signed SF 424.

**Item 1 Type of Submission:** Since the Violent Offender Incarceration and Truth-in-Sentencing (VOI/TIS) Program may only be used for building and expanding correctional facilities, check the "Construction" box.

**Item 2 Date Submitted:** Indicate the date you sent the application to OJP. The "Application Identifier" is the number assigned by your jurisdiction, if any, to track applications. If your jurisdiction does not assign an identifier number, leave this space blank.

**Item 3 Date Received by State:** Leave blank. This block is completed by the state Single Point Of Contact, if applicable.

**Item 4 Date Received by Federal Agency:** Leave blank. This item will be completed by OJP.

**Item 5 Applicant Information:** The "Legal Name" is the unit of government or the parent organization. For example, the primary or parent organization of a law enforcement agency is the name of the city or township. Thus the city or township should be entered into the Legal Name box and the name of the law enforcement agency would be entered into the Organizational Unit box. One person should be designated as the contact for the proposed project, and that person's telephone number should also be included. It is not unusual for the name of the contact person to differ from the authorized representative of your agency provided in Item 18.

**Item 6 Employer Identification Number:** Each employer receives an employer identification number from the Internal Revenue Service. Generally, this number can be easily obtained from your agency's accountant or comptroller.

**Item 7 Type of Applicant:** Enter the appropriate letter in this space. If the applicant is representing states organized as a regional compact, specify by checking Block N and entering "regional compact" and identify the participating states.

**Item 8 Type of Application:** Check either "new" or "continuation." Check "new" if this will be your first award for the purpose described in the application, even if the applicant has received prior awards for other purposes. Check "continuation" if the project will continue activities, including minor modifications, or implement the next phase of a project that was begun under a prior award number.

**Item 9 Name of Federal Agency:** The awarding agency for VOI/TIS is the Office of Justice Programs.

**Item 10 Catalog of Federal Domestic Assistance Number:** For VOI/TIS, the catalog number is 16-586.

**Item 11 Descriptive Title of Applicant's Project:** Type in the (1) title of the program as it appears in the solicitation or announcement; (2) name of the cognizant federal agency (this is generally the federal agency from which the applicant agency receives the largest proportion of its federal funds); and (3) applicant's fiscal year, (12 month audit period such as October 1 to September 30).

**Item 12 Areas Affected by Program:** Identify the geographic area(s) encompassed by the project. Indicate "Statewide" or "National," if applicable.

**Item 13 Proposed Project Dates:** Fill in the beginning and end dates of the project. VOI/TIS awards will be made for the year of the appropriation plus 4 additional years.

**Item 14 Congressional Districts:** Fill in the number of the Congressional District(s) in which the project will be located and the Congressional District(s) the project will serve. Indicate "Statewide" if applicable.

**Item 15 Estimated Funding:** Since allocations for VOI/TIS cannot be determined until all eligible states have been identified, leave this blank.

**Item 16 State Executive Order 12372** Some states (although not all), require you to submit your application to a state "Single Point of Contact" (SPOC) to coordinate applications for federal funds within the state. If your state requires a copy of your application, indicate the date this application was submitted. If a copy is not required, indicate the reason. The SPOC is not responsible for forwarding your application to the federal funding agency.

**Item 17 Delinquent Federal Debt:** This question applies to the applicant organization and includes delinquent audit disallowances, loans, and taxes.

**Item 18 Authorized Representative:** Type the name of the person legally authorized to enter into agreements on behalf of your agency. This signature on the original application must be signed in blue ink and/or stamped as "original" to help us distinguish the original from the photocopies.

U.S. Department of Justice  
Office of Justice Programs  
Corrections Program Office  
810 Seventh Street, NW  
Washington, DC 20531

**Data for Determining Eligibility for  
Violent Offender Incarceration and  
Truth-In-Sentencing Grants  
Fiscal Year 2001**



**State/Territory:** \_\_\_\_\_

**General Information**

- ! Eligibility requirements —** Data will be used to determine eligibility for Fiscal Year 2000 Violent Offender Incarceration grants under Section 20103, paragraph (b) and (c), and for Truth-In-Sentencing Incentive Grants under Section 20104, paragraph (a).
- ! Part 1 violent crime —** Section 20101 and 20105 provide the definition of 'Part 1 violent crime' to be used in completing this form. Part 1 violent crime means murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of Uniform Crime Reports, or a reasonably comparable class of serious violent crimes as approved by the Attorney General. If you applied for funding in FY 2000 and used an approved, alternative definition, use the same definition for this year.
- ! Technical assistance —** If you need assistance in completing this form, call the Corrections staff at the Bureau of Justice Statistics at (202) 633-3000. For other assistance in completing the application, call the Corrections Technical Assistance Line at (800) 848-6325.
- ! Data accuracy —** When you have completed this form, certify the accuracy of the reported data by providing a signature from an approving official.

**Data Supplied By**

\_\_\_\_\_  
NAME

\_\_\_\_\_  
TITLE

\_\_\_\_\_  
PHONE (area code, number, ext.)

**Data Approved By**

\_\_\_\_\_  
NAME

\_\_\_\_\_  
TITLE

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

State/Territory:

**1. New Court Commitments of Sentenced Violent Prisoners During the Calendar Year —**

2000

**A.** Number of sentenced persons  
admitted to prison for Part 1  
violent crimes

or

**B.** Total number of sentenced  
persons admitted for violent  
crimes

**Definitions and Coverage**

- ! Sentenced prisoners —** Report data only for prisoners with a total maximum sentence of more than 1 year.
- ! New court commitments —** Include persons entering prison directly from court and not from any unsuccessful period of community supervision.
- ! Part 1 violent crimes —** Include murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the FBI for purposes of the Uniform Crime Reports.
- ! Total violent crimes —** Use the definition that was approved for your previous application.

**Instructions**

- !** Report (in Item 1A) the number of sentenced persons admitted to prison for Part 1 violent crimes in 2000.
- !** If you are unable to provide the number admitted for Part 1 violent crimes, write "DK" in the spaces provided (in Item 1A) and report data for Item 1B.

Comments:

State/Territory:

**2. First Releases of Sentenced Violent Prisoners During the Calendar Year —**

2000

**A.** Number of Part 1 violent prisoners released

or

Number of violent prisoners released (using previously approved definition)

**B.** Average total maximum sentence length (in months)  
(Exclude sentences of life or death)

**C.** Average time served in prison and jail (in months) by released violent prisoners

► Is jail time included?

G Yes G No

► Have prisoners with sentences of life or death been excluded?

G Yes G No

**Definitions and Coverage**

**! Sentenced prisoners —**

Report data only for prisoners with a total maximum sentence of more than 1 year.

**! First Releases —**

Report data only for prisoners released for the first time on the current sentence. Exclude persons who were previously released for the same offense, returned to prison and then released again.

**! Part 1 violent crimes —**

Include murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the FBI for purposes of the Uniform Crime Reports.

**! Total maximum sentence length —**

Report the total maximum sentence to incarceration including all consecutive sentences. Do not assign numeric values to sentences of life or death.

**Instructions**

**!** Report (in Item 2A) the number of Part 1 violent first releases in 2000. If you are unable to report the number released, write "DK" in the space provided.

**!** If you are unable to provide the number admitted for Part 1 violent first releases, use the same definition used in your previous application.

Comments:



State/Territory:

**3. Violent prisoners covered under Truth-in-Sentencing Laws —**

	New court commitments, 2000	First releases, 2000
A. Number violent prisoners	_____	_____
B. Average total maximum sentence length (in months) (Exclude sentences of life or death)	_____	_____
C. Average time served in prison and jail (in months)	_____	_____
▶ Is jail time included?	G Yes G No	G Yes G No
▶ Have prisoners with sentences of life or death been excluded?	G Yes G No	G Yes G No

**Definitions and Coverage**

- ! Sentenced prisoners —** Report data only for prisoners with a total maximum sentence of more than 1 year.
- ! New court commitments —** Include persons entering prison directly from court and not from any unsuccessful period of community supervision.
- ! First Releases —** Report data only for prisoners released for the first time on the current sentence. Exclude persons who were previously released for the same offense, returned to prison and then released again.
- ! Violent prisoners —** Include prisoners admitted or released for murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the FBI for purposes of the Uniform Crime Reports. If you used an approved, alternative definition in your application for FY 2000, use the same definition this year.
- ! Total maximum sentence length —** Report the total maximum sentence to incarceration including all consecutive sentences. Do not assign numeric values to sentences of life or death.
- ! Time served —** For admissions, report the average minimum time expected to be served before the prisoners will become eligible for first release. Include jail time, if available. For releases, report the actual average time served in prison and jail before first release.

**Instructions**

- !** If you are unable to report data for any item, write "DK" in the space provided.

Comments:

# Individual Project Report

## Violent Offender Incarceration/ Truth-in-Sentencing Incentive Grant Program (VOI/TIS)

The state office is required to submit this report to the Office of Justice Programs, Corrections Program Office within ten (10) days following the funding of a project with Violent Offender Incarceration and Truth-in-Sentencing Incentive formula grant funds. The state office should submit an IPR for each project funded with VOI/TIS funds, including funds allocated for implementation of the state's drug testing, intervention, and sanctions policies and for administration of the formula grant program. This information will be used for monitoring and reporting on program implementation. Please submit this information to the Corrections Program Office, 810 7th Street, NW, Washington, DC 20531.

Date: \_\_\_\_\_ Check here \_\_\_\_\_ if this IPR amends a previous submission.

1. Grant Number: \_\_\_\_\_ State: \_\_\_\_\_

Project Funded through State Office \_\_\_\_\_ Project Funded through Subgrant Award \_\_\_\_\_ (Please check one)

2. Project Title: \_\_\_\_\_ Project Number: \_\_\_\_\_

3. Award Recipient (Implementing Agency/Subgrantee) Address:

Agency Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City/State/Zip Code: \_\_\_\_\_

4. Project Contact Person: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_ Fax: (\_\_\_\_) \_\_\_\_\_ E-mail: \_\_\_\_\_

5. Project Location (City, County, Zip Code): \_\_\_\_\_

6. Congressional District(s) Served: (If statewide, enter "99") \_\_\_\_\_

7. Level of Government: \_\_\_\_\_ 8. Grant Budget: Federal: \$ \_\_\_\_\_ 9. Use of Funds: NEPA \$ \_\_\_\_\_

\_\_\_\_\_ State \_\_\_\_\_ Match: \$ \_\_\_\_\_ Construction \$ \_\_\_\_\_

\_\_\_\_\_ County \_\_\_\_\_ City/Town \_\_\_\_\_

\_\_\_\_\_ Indian Tribe \_\_\_\_\_ Total Project Cost: \$ \_\_\_\_\_ Expansion \$ \_\_\_\_\_

\_\_\_\_\_ Multi-State Compact \_\_\_\_\_ Privatization \$ \_\_\_\_\_

\_\_\_\_\_ Multi-State Compact \_\_\_\_\_

10. NEPA compliance: \_\_\_\_\_ Environmental Assessment \_\_\_\_\_ Environmental Impact Statement\* \_\_\_\_\_ Categorical Exclusion\*\*

11. Total Project Cost: \$ \_\_\_\_\_

12. Project Start Date: \_\_\_\_\_ Project End Date: \_\_\_\_\_ (Include all phases of the project.)

13. Projected Construction Start Date: \_\_\_\_\_ Projected Construction Completion Date: \_\_\_\_\_

14. Target Population (Number of Beds by Category):

Adult Males: \_\_\_\_\_ Adult Females: \_\_\_\_\_ Juvenile Males: \_\_\_\_\_ Juvenile Females: \_\_\_\_\_

15. Type of Facility (Check all that apply)

- ☐ Prison
- ☐ Jail
- ☐ Boot Camp
- ☐ Juvenile Detention Center
- ☐ Juvenile Correctional Facility
- ☐ Community Corrections Program
- ☐ Work Camp
- ☐ Halfway House
- ☐ Other (Specify) \_\_\_\_\_

17. Type of Project

- ☐ Construction of New Facility
- ☐ Expansion of Existing Facility
- ☐ Lease Arrangement
- ☐ Enhancement of Existing Facility (e.g. Upgrade Security)
- ☐ Implementation of Drug Testing and Interventions
- ☐ Administration of Formula Grant Program

16. Current Number of Beds In System: \_\_\_\_\_

Revised 8/00

\* Prior to initiating an EIS the grantee or subgrantee must notify OJP/CPO.

\*\* To qualify for a categorical exclusion, the grantee or subgrantee must submit a project justification to OJP/CPO for approval.

# Semi-Annual Report



## Violent Offender Incarceration and Truth-in-Sentencing(VOI/TIS)

Each state is required to submit to the Office of Justice Programs, Corrections Program Office, a semi-annual report that provides information on the status of the implementation of the VOI/TIS formula grant program. This report should be in narrative form and should address the following questions.

**State:** \_\_\_\_\_ **Grant Number:** \_\_\_\_\_

### Report Period:

- ☐ January 1 - June 30, 2001  
☐ July 1 - December 31, 2001

**Due July 31, 2001**  
**Due January 31, 2002**

### Please address the following in narrative form:

1. Please describe the status of program implementation to include:

Have all federal grant funds been subawarded or allocated to specific projects? Describe the method and projected timetable for the subaward of unawarded funds (attach any Individual Project Reports which have not be submitted);

Provide the status report of each project including: start date, a description of changes in completion schedule, and reasons for any delays; and

Describe any issues or problems related to program implementation and how they are being addressed.

2. Please provide the following information for grant funded activities:

Number of beds under construction at end of reporting period;  
Number of beds completed during reporting period;  
Number of beds completed to date (since initial FY 1996 award); and  
Number of beds being leased from private sector or privately operated.

3. Please describe any changes in truth-in-sentencing practices during the reporting period, to include such changes as: introduction or passage of legislation, implementation of a statute, affects on the prison population, backup of offenders in local jails, changes in prosecution and/or sentencing practices, etc.
4. Please describe the status of the state's efforts to develop and/or implement a drug testing, sanctioning and treatment program for prison inmates and parolees. Provide an updated timeline and any issues or problems encountered and how they are being addressed.
5. Please describe any changes in the administration of the program to include: changes to the administrative budget, changes in the grant contact person or financial person, etc.
6. Please describe any technical assistance needs that you have at this time.

# Drug Testing Data Report



## Violent Offender Incarceration and Truth-in-Sentencing (VOI/TIS)

Each state is required to submit to the Office of Justice Programs, Corrections Program Office, not later than March 1, 2001, a report on drug-free results of random drug testing of the general inmate population in its prisons during calendar 2000.

State: \_\_\_\_\_ Grant Number: \_\_\_\_\_

Report Period: January 1 to December 31, 2000

Please complete the following:

1. Describe how offenders in the general inmate population were selected for random drug tests, include such information as how the list of offenders to test was generated, how often tests were conducted, and the percent of inmates that were tested.

2. Indicate the number of random tests of the general inmate population (specimens collected) that were completed during the report period. Exclude random tests of targeted populations, such as random testing of offenders in treatment unless they were selected as part of the random selection of the prison population.

Number of inmates in the prison population: \_\_\_\_\_

Number of specimens randomly collected: \_\_\_\_\_

3. Of the randomly collected specimens, how many were drug free (negative for drug use) and what percentage of the total drug tests does this represent?

Number of drug free specimens: \_\_\_\_\_

Percent of drug free random tests: \_\_\_\_\_

Submitted By: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_ Phone: \_\_\_\_\_

**Appendix C**

**Drug Testing Guidelines**

***The following are the Drug Testing Guidelines issued by the Attorney General and announced by the President on December 19, 1996, as amended on February 18, 1998, to implement the drug testing, sanctions and treatment requirement attached to the FY 1997 appropriation for the Violent Offender Incarceration and Truth-in-Sentencing Program. All states and territories achieved compliance with these guidelines as of September 1, 1998.***

## **Introduction**

It is widely recognized that there is a strong correlation between drugs and crime. The level of criminal activity accelerates among drug involved individuals. Drug addicts are involved in approximately 3 to 5 times the number of criminal incidents as arrestees who do not use drugs. A study released in January 1998, by the Columbia University's Center on Addiction and Substance Abuse confirmed the need for coerced abstinence and treatment in the criminal justice system. It found that 80 percent of offenders in prisons and jails were either high on drugs or alcohol when arrested, stole property to buy drugs, or have a history of drug and alcohol abuse. The study also found that less than 18 percent of state and federal inmates in need of treatment in 1996 actually received treatment, much of which was inadequate. The time in which drug-using offenders are in custody or under post-release correctional supervision presents a unique opportunity to reduce drug use and crime through effective drug testing, sanctioning, and intervention programs.

Operation Drug TEST (Testing, Effective Sanctions, and Treatment) is a Clinton Administration initiative for deterring crime and drug abuse. Operation Drug TEST is founded on three key assumptions: 1) there is a link between drugs and crime; 2) drug testing can reliably and inexpensively identify offenders who abuse drugs;

and 3) testing, graduated sanctions, and treatment of offenders can deter drug abuse and crime.

The "Breaking the Cycle" (BTC) program, an initiative to demonstrate these assumptions, is being developed by a consortium of federal agencies. It entails universal drug testing and needs assessment of all offenders entering the criminal justice system, followed by appropriate assignment to a combination of treatment, sanctions, and supervision options regardless of the status of the defendant or the status of the case.

As part of Operation Drug TEST, states also are being encouraged to adopt comprehensive drug testing, sanctioning, and treatment programs for offenders at all stages of the criminal justice process through programs such as BTC. In addition, several grant programs provide resources for such efforts and/or include requirements that certain populations of offenders be tested and treated for drug use. For example, the Residential Substance Abuse Treatment for State Prisoners Program and the Drug Courts Program established by the Crime Control and Law Enforcement Act of 1994 provide funding for treatment and require testing of offenders who participate in these programs.

## **The State Prison Grant Program**

This document provides guidance for the implementation of the drug testing and intervention provision added in the FY 1997 Violent Offender Incarceration and Truth-in-Sentencing Incentive Grant (VOI/TIS) Program through the Department of Justice Appropriations Act, 1997, (PL 104-208, 110 Stat. 3009, H.R. 3610). This grant program is administered by the Corrections Program Office in the Office of Justice Programs, U.S. Department of Justice. Grant funds may be used to:

- # build or expand correctional facilities to increase the bed capacity for the confinement of persons convicted of a Part 1 violent crime or adjudicated delinquent for an act which if committed by an adult, would be a Part 1 violent crime;

- # build or expand temporary or permanent correctional facilities, including facilities on military bases, prison barges, and boot camps, for the confinement of convicted nonviolent offenders and criminal aliens, for the purpose of freeing suitable existing prison space for the confinement of persons convicted of a Part 1 violent crime; and
- # build or expand jails.

These guidelines describe the statutory requirement for drug testing, implementation requirements, and resources available to assist states with the development of effective substance abuse testing, sanctioning, and intervention programs.

## Statutory Requirement

The FY 1997 Appropriations Act included a new provision which requires the states to implement a program of drug testing and intervention for offenders under corrections supervision. The statutory requirement is as follows:

*Beginning in Fiscal Year 1999, and thereafter, no funds shall be available to a state for Violent Offender Incarceration and Truth-in-Sentencing Incentive Grants unless not later than September 1, 1998, such state has implemented a program of controlled substance testing and intervention for appropriate categories of convicted offenders during periods of incarceration and criminal justice supervision, with sanctions including denial or revocation of release for positive controlled substance tests, consistent with guidelines issued by the Attorney General.*

## Compliance

To comply with this requirement, States are **required to have implemented a program of controlled substance testing, sanctioning, and**

## **intervention with clearly articulated policies and procedures.**

Most correctional agencies currently test some inmates and offenders under post-release supervision for illegal drug use and, within available resources, provide drug education and treatment services to offenders with substance abuse problems. Minimum security and community-based facilities are more likely than maximum security institutions to test inmates. However, a review of state drug testing policies shows that these policies often provide only general guidance on which inmates and parolees should be tested and the frequency of testing. Few define interventions for offenders with identified substance abuse problems or sanctions for continued use or otherwise effectively utilize this post-conviction opportunity to reduce drug use.

The drug testing, sanctioning, and intervention requirement encourages each state to build on current testing and treatment efforts within its state to break the cycle of drugs and crime. An effective program of drug testing and intervention serves as a tool to identify offenders in need of drug treatment or coerced abstinence testing and to establish a range of interventions and sanctions that provide a strong deterrent to relapse and recidivism.

The scope of the drug testing program, types of interventions, and range of sanctions will be defined by each state based on the extent of drug use within its institutions and among post-release offenders under correctional supervision, current policies and practices, and available resources. Although the content of the policies and procedures and the services and sanctions available will vary across states, each state should have written policies and procedures for the effective implementation of its program. At a minimum, the program must include targeted and random testing as well as testing of offenders while in treatment, with positive tests followed by appropriate interventions and/or graduated sanctions, that include denial or revocation of release in appropriate circumstances.

The correctional policies and procedures related to the implementation of a state's drug testing, sanctioning, and intervention program should address the following:

## **# Goal of the Program/Policy**

The policy should include a statement which clearly articulates the purposes and goals of the drug testing and intervention program.

## **# Target Population**

The target population to be tested should be defined in the policy. The program for drug testing should include appropriate adult offenders, male and female, while incarcerated in state correctional facilities and following release into the community while under the custody or supervision of the state. States may have different policies and procedures for the various correctional populations.

## **# Testing of Offenders**

The scope of the drug testing program should be clearly defined in the policy and procedures. It should specify:

- ! how offenders will be targeted for testing, (e.g., upon admission or return from the community, random testing, mass testing, testing for cause, testing in connection with treatment programs, testing in connection with community-based correctional programs, testing as a condition of supervised release, etc.);
- ! testing logistics, (e.g., authorization, frequency, methodology and handling); and
- ! staff training.

## **# Interventions**

To ensure the most effective use of limited resources, the policy should describe the various types of interventions that are available, the criteria

for referral to each type of intervention (e.g., drug education, group counseling, cognitive restructuring, therapeutic community, coerced abstinence, etc.), the procedures for placement, and the duration of the treatment programs.

The policies and procedures should also address the continuum of care from the institution to the community to include what resources will be available for the offender to continue treatment in the community after release, relapse prevention, and procedures for coordination between the institutional program and the community program.

## **# Sanctions**

An effective program to deter drug use should hold offenders accountable for any violations of laws, institutional rules, or conditions of release. While types of responses should be progressive and varied, offenders should be held accountable for positive drug tests. The policies and procedures should clearly define a range of escalating sanctions for continued drug use and how these will be applied (e.g., counseling, warning/written instructions, administrative conference, increased surveillance and testing, intensified reporting requirements, curfew, day reporting center, house arrest, electronic monitoring, short term detention, denial or revocation of release, mandatory drug treatment, return to secure confinement, etc.). As part of their program, states must provide for denial or revocation of release in appropriate circumstances.

## **# Reporting Baseline Data and Progress in Reducing Drug Use**

In order to measure the impact of the state's drug testing, sanctions, and treatment policy and other drug control measures in reducing drug use among prison inmates, each state is required to establish a baseline rate of prison inmates who were shown to be free of drugs in 1998. Each state will identify the best method for determining the rate (based on all drug tests, random tests only, etc.). states which did limited testing prior to implementation of their revised policy, may establish their rate based on tests conducted between September 1, 1998 (the date that the policy must be implemented) and



December 31, 1998. States which have already implemented significant measures to reduce drug use in their prisons, should provide the 1998 baseline data, but are encouraged to provide additional baseline information from prior years to document progress made in reducing drug use among inmates prior to implementation of the VOI/TIS drug testing requirements.

States are also required to report annual progress on reducing drug use by inmates. A progress report for each calendar year beginning in 1999 will be a requirement of the annual application for VOI/TIS Tier 1 funds. The method used by a state to compute the baseline rate must also be used to compute subsequent annual rates of drug use.

The rate of drug use by prison inmates varies across states. Some states report that at least 99 percent of their inmates are drug-free, while others report higher rates. The Federal Bureau of Prisons maintains a drug-free rate of 98 percent. States are encouraged to establish a zero tolerance policy and to set a goal of attaining a drug-free rate of at least 98 percent.

## **# Due Dates**

**March 1, 1998:** Each state which participates in the Violent Offender Incarceration and Truth-in-Sentencing Incentive Grant Program must submit either: 1) a copy of its drug testing policies and procedures and a description of how the policies are being implemented or 2) a plan of action to comply with this initiative by September 1, 1998. This will allow time for review and modification as appropriate prior to the statutory date of September 1, 1998 for having a program in place.

**September 1, 1998:** Each state must submit a certification that it has implemented its drug testing policies and procedures.

**March 1, 1999:** Each state must submit a baseline report of drug use among inmates in its prisons and an explanation of the method used to determine the baseline rate as part of its FY 1999 application for VOI/TIS Tier 1 funds.

**March 1, 2001:** Each state must submit a report on progress toward reducing drug use among prison inmates during the preceding calendar year as part of its application for VOI/TIS Tier 1 funds.

These documents should be submitted to the Corrections Program Office, 810 7th Street, N.W., Washington, DC 20531.

Technical assistance is available to states that need assistance in implementing these requirements.

## **Resources Available for Implementation**

The Violent Offender Incarceration and Truth-in-Sentencing Incentive Grant funds are not available to implement a state's substance abuse testing, sanctioning, and intervention program. The development of well defined drug testing and intervention policies and procedures should facilitate the most effective use of limited resources.

**Financial Resources:** States should explore resources available from other federal grant programs to implement testing and treatment programs. **The Residential Substance Abuse Treatment for State Prisoners Formula Grant Program**, also administered by the Corrections Program Office, assists states and units of local government to develop and implement residential substance abuse treatment programs within state and local correctional and detention facilities. Grant funds may also be used to implement drug testing programs for offenders who participate in the residential treatment. The FY 2000 appropriation for this program is \$63 million.

Resources available through **the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program** may be used to implement programs within 26 statutorily defined purpose areas, which include drug testing and treatment. The FY 1997 appropriation of \$500 million included \$25 million more than the FY 1996 appropriation "to allow states to implement drug testing initiatives." Applicants are

strongly encouraged to ensure that there is coordination between efforts to implement the requirement attached to the Violent Offender Incarceration and Truth-in-Sentencing Program and the resources available through the Byrne Program, as appropriate. States that are not already engaged in a dialogue with their state alcohol and drug abuse agency, should contact that agency to explore the possibility of resources through the federal grant programs administered by the Department of Health and Human Services.

**Best Practices:** Office of Justice Programs agencies have been involved with the research, evaluation, development, and implementation of drug testing and treatment programs for over two decades. Many resources are available to assist correctional agencies with the development of effective policies, procedures, and programs. Correctional agencies are encouraged to review and use as a guide the *American Probation and Parole Association's Drug Testing Guidelines and Practices for Adult Probation and Parole Agencies* supported and published by the Bureau of Justice Assistance, and the *American Probation and Parole Association's Drug Testing Guidelines and Practices for Juvenile Probation and Parole Agencies* supported and published by the Office of Juvenile Justice and Delinquency Prevention. Both of these guidelines can be adapted to programs within correctional institutions.

Numerous publications are also available to assist states with the implementation of effective treatment programs. An excellent summary of treatment-related research and evaluations is the *Effectiveness of Treatment for Drug Abusers under Criminal Justice Supervision*, published by the National Institute of Justice. These and other related documents are available, free of charge, through the National Criminal Justice Reference Service at (800) 851-3420.

**Technical Assistance:** OJP/CPO will provide technical assistance to include on-site technical assistance, conferences and workshops, and training. These services are available without cost to the states. OJP/CPO has entered into inter-agency agreements with the National Institute of Corrections and the Center for Substance Abuse Treatment to assist states with implementation of effective policies and programs. Technical assistance can be accessed by calling the Corrections Technical Assistance Line at (800) 848-6325.

## **Appendix D**

### **Guidelines for Implementation of the Death in Custody Reporting Act of 2000**

# Guidance on Implementation of the Death in Custody Act of 2000

The Bureau of Justice Statistics (BJS) currently collects data on inmate deaths through the National Prisoner Statistics Program, the Census of State and Federal Adult Correctional Facilities, and the Census of Local Jails. In FY 2000, Congress expanded the amount and type of information to be collected and the frequency of reporting through passage of new legislation. The Death in Custody Act of 2000 amends the Violent Crime Control and Law Enforcement Act of 1994 (the Crime Act) to require states receiving funds under the Violent Offender Incarceration/Truth-in-Sentencing Incentive Grant Program (VOI/TIS) to follow guidelines established by the Attorney General in reporting deaths in custody. This document presents those guidelines.

The Office of Justice Programs is the implementing agency for the requirements of the Act, which will be administered by the Corrections Program Office (OJP/CPO) and the Bureau of Justice Statistics (BJS).

BJS is pursuing expanded inmate death reporting in response to a Congressional mandate contained in the FY 2000 appropriations bill. BJS's initiative meets the requirements of the Death in Custody Act of 2000 and will be distributed to all states regardless of whether the state applied for Truth-in-Sentencing funds. The state's VOI/TIS award will be special conditioned to require the state to comply with the Act and a designated Point of Contact to assist BJS with local collection efforts.

## Statutory Requirement

The Act requires states applying for VOI/TIS funds:

*that it will follow guidelines established by the Attorney General in reporting, on a quarterly basis, information regarding*

*the death of any person who is in the process of arrest, is en route to be incarcerated, or is incarcerated at a municipal or county jail, state prison, or other local or state correctional facility (including any juvenile facility).*

The information reported will include, at a minimum:

- *the name, gender, race, ethnicity, and age of the deceased;*
- *the date, time, and location of death; and*
- *a brief description of the circumstances surrounding the death.*

Each VOI/TIS award will contain a special condition requiring the state to follow these guidelines as part of the application for Tier 1 funds due to OJP/CPO on March 30, 2001. In that application, the state will also identify a Point of Contact for this requirement, who may be contacted to assist with encouraging state and local agencies to comply with this data collection effort.

The effort will involve multiple agencies at different levels of government. The special condition requires the state government to comply with state-level data collection, encourage local compliance, and assist BJS in the data collection effort as needed.

Data are to be collected from state adult correctional agencies, juvenile detention and correctional facilities, and local jails regardless of whether the agency or facility receives VOI/TIS funds. Moreover, the state's uses of VOI/TIS funds do not affect the requirement to submit data.

## Reporting Mechanisms

BJS will implement a data collection effort that meets the requirements of the Act. Data will be

requested from all states. A three-phased implementation is planned.

Phase One of this effort involves enhanced reporting of all deaths in calendar year 2000 by local jail jurisdictions (cities or counties). A draft of the form to be used for Phase One is included in this document; the form has been submitted to the Office of Management and Budget (OMB) for clearance under the Paperwork Reduction Act and should not change significantly in its final form.

Depending on OMB action, BJS anticipates mailing the form to jail jurisdictions in February 2001. At least 30 days will be provided for completion and return of the form. Each jail jurisdiction will be responsible for completing the form and returning it to BJS by the reporting deadline.

During this time period, states should continue reporting deaths under the National Prisoner Statistics and the National Corrections Reporting Programs.

During Phase Two, BJS will implement quarterly reporting for state adult correctional agencies and local jail jurisdictions. The data collection instrument for Phase Two is being developed and will be submitted for OMB approval.

It is anticipated that the first collection will be mailed in June 2001 and will encompass the first two quarters of the year. Thereafter, reports will be due to BJS 30 days after the end of each calendar quarter.

Phase Three of implementation involves reporting by municipal lock-ups, state and local juvenile facilities, and privately-operated juvenile facilities. Reporting will also be initiated to capture data on persons who die while being arrested. BJS is studying the feasibility and cost-effectiveness of various methods of collecting this information. Full implementation of Phase Three is expected to occur in 2002.

## **Information Collected**

The form will collect specific information on each deceased inmate, as well as data on the circumstances surrounding each death in the reporting period. This information will include:

- Name
- Date of birth
- Date of death
- Gender
- Race/Ethnicity
- Date of admission to the facility
- Legal status at time of death
- Offense(s)
- Location of death
- Cause of death
- Autopsy
- Nature of death (pre-existing or emergent medical condition)
- Prior medical treatment in custody
- Time of incident (if death from other than natural causes)
- Place of incident (if death from other than natural causes)

## **Results of the Effort**

Data collected through this effort will be reported to the Attorney General, as required in the Act. It is expected that annual summary statistics will be reported to Congress.

## **For More Information**

If you have questions regarding the Death in Custody Reporting Act procedures, contact Christopher J. Mumola, Policy Analyst, in the Bureau of Justice Statistics at (202) 307-5995 or [mumolac@ojp.usdoj.gov](mailto:mumolac@ojp.usdoj.gov). For questions about the relationship of these requirements to the VOI/TIS program, contact Jill Young, Chief of Grants Management, Corrections Program Office, at (800) 848-6325, ext. 353-7302, or [youngj@ojp.usdoj.gov](mailto:youngj@ojp.usdoj.gov).

## **Appendix E**

### **NEPA Interim Final Rule**

**U. S. Department of Justice**  
Office of Justice Programs

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*Washington, D.C. 20531*

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